IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:16 CR 123

UNITED STATES OF AMERICA,)	
Vs.)) ORDE	R
HENRY SALMERON,)	
Defendant.)	

THIS MATTER came before the undersigned on October 17, 2016 for the purpose of a detention hearing. At that time, the Court was advised by the United States Probation Office in the Pretrial Services Report (#7) that the Government contends that Defendant is in the United States illegally. The undersigned was further advised that a detainer had not been filed by the appropriate official with the Immigration and Naturalization Service and such would not be filed. The undersigned examined 18 U.S.C. § 3142(d) which reads as follows:

Temporary detention to permit revocation of conditional release, deportation or exclusion--- if the judicial officer determines that:

- (1) such person
- (B) is not a citizen of the United States or lawfully admitted for permanent residence, as defined in Section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20); and
- (2) such person may flee or pose a danger to the safety of any other person or the community such judicial officer shall order the detention of such person, for a period of not more than ten days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the

government to notify the appropriate court, probation, or parole officer, or state or local law enforcement official or the appropriate official of the Immigration and Naturalization Service. If the official fails or declines to take such person into custody during that period, such person shall be treated in accordance with the other provisions of this section, notwithstanding the applicability of other provisions of law governing the release, pending trial or deportation or exclusion proceedings.

After reviewing the above referenced statute in open court, the undersigned directed that U.S. Department of State Agent Ben Whittaker and A.U.S.A. Tom Kent notify the appropriate official of the Immigration and Naturalization Service of the detention of Defendant. The undersigned then determined that ten days from the date of the hearing of October 17, 2016 would be October 28, 2016. The undersigned directed that further hearings regarding the issue of detention will take place on October 28, 2016, if Defendant is not taken into custody by the appropriate official of the Immigration and Naturalization Service.

ORDER

IT IS, THEREFORE, ORDERED that further proceedings shall be scheduled regarding the issue of detention of Defendant for October 28, 2016. If Defendant has not been taken into custody by the appropriate official of the Immigration and Naturalization Service, then the undersigned will consider the release of Defendant, pursuant to 18 U.S.C. § 3142(g).

Signed: November 2, 2016

